

MEETING MINUTES SUMMARY
GOVERNOR'S MILITARY FACILITIES TASKFORCE
TUESDAY, OCTOBER 7, 2003, 9:30 A.M. TO 1 P.M.
CENTRAL ARIZONA COMMUNITY COLLEGE – CONF. ROOM M101

INTRODUCTIONS & ROLL CALL

Co-Chair Bob Johnston (Lieutenant General, USMC, Ret.) of Tucson opened the meeting and welcomed the taskforce members and guests to the fourth meeting. Taskforce members were given an opportunity to introduce themselves individually. The remaining taskforce members include: Co-Chair Tom Browning (Brigadier General, USAF, Ret.), sitting in for Tom Finnegan, Bob Strain from City Council member from Sierra Vista and Chairman of the Upper San Pedro Partnership, representing Fort Huachuca, Monsignor Richard O'Keeffe of Yuma representing the Army Yuma Proving Grounds and Marine Corps Air Station Yuma, Lisa Atkins of the West Valley representing Luke Air Force Base (AFB), sitting in for Lori Faeth, Rick Tobin of the Arizona Department of Environmental Quality, Gil Jimenez of the Arizona Department of Commerce, Gene Santarelli of Tucson representing Davis-Monthan AFB and Steve Thu of Tucson representing the National Guard and Reserve units. The taskforce advisor is Patricia Boland from the Attorney General's office. Co-Chair Johnston also recognized four elected officials in the audience: Mayor Walkup from the City of Tucson, Mayor Larry Nelson from the City of Yuma, Mayor Elaine Scruggs from the City of Glendale and County Supervisor Lenore Stuart, Chairman of the Board of Supervisors from Yuma County.

**PRESENTATION ON HELICOPTER OPERATIONS IN ARIZONA –
LIEUTENANT COLONEL KEN NETTLES, ARIZONA NATIONAL GUARD**

LtCol Ken Nettles from the Arizona National Guard is the Deputy Chief of Aviation Safety for the Arizona Army National Guard. He gave a briefing on military helicopter operations in Arizona. This presentation included operations at Army National Guard Headquarters at Papago Park Military Reservation in Phoenix and Silver Bell Heliport/WAATS in Marana with staging areas at Picacho Stage Field and Rittenhouse Stage Field. Several issues were discussed concerning Arizona military helicopter operations to include 1) that there is not an established method of notification for the Arizona Army National Guard to inform the property owners about their helicopter operations 2) that the guard does use specific local operating procedures and established routes for safety reasons to “fly friendly in urban areas, to minimize saturation, and to de-conflict the operations of several different entities and 3) the Guard is working with the Bureau of Land Management to mitigate the potential encroachment on their training areas by the establishment of the Sonoran Desert National Monument and the Ironwood National Monument. In closing, LtCol Nettles indicated that he would be researching the helicopter operations at Fort Rucker, home of Army aviation, to see how they model noise around their airfields and deal with notification of the public.

(See special note below to request a copy of presentation slides)

COMMENTS/RECOMMENDATIONS FROM THE CHIEF ELECTED OFFICIALS ADVISORY GROUP – MAYOR ELAINE SCRUGGS, CITY OF GLENDALE

Mayor Elaine Scruggs from the City of Glendale, representing the Chief Elected Officials Advisory Group of the Governor's Military Facilities Taskforce, gave a presentation on their recommendations. The advisory group developed these recommendations in a meeting on September 9, 2003 to address the long-term preservation of Arizona's military facilities.

POLICY STATEMENT: The state, in recognition of the value of its military industry, must take a greater role in preserving and enhancing that industry. Additional legislation and funding will be required. In doing so, it is important that appropriate local Elected officials are consulted as legislation and funding mechanisms are developed. Each of our military facilities is unique and a one size-fits-all approach is not appropriate.

STATEMENT OF RECOMMENDATIONS: It is requested, that the following recommendations, be endorsed by the Task Force in its report to the Governor.

1. Provide the same protection to all ranges by redefining the military airports definition to include the BMGR Range, Aux fields, MTR's UAV's, Helicopters, Tilt Wing Rotor Aircraft, Balloons, Lantern Training and National Guard.
2. Separate out the ranges and access to the ranges. Protection of ranges including but not limited to, MTR's, the YPG test range, Gila Bend and the BMGR. "Military Training Routes" (MTR's) to and from the military facilities need to be identified for public notification and other purposes.
3. Ease the process for selling or exchanging State Trust Lands with local governments.
4. Provide authorizing legislation for Counties and/or Cities at their choosing to use all funding mechanisms for the purchase of lands. (ie, taxes, development fees) and provide the option to establish a Military Facilities District, similar to the Maricopa County Hospital District. (This recommendation was a compromise with the City of Goodyear and is supported with the condition on the funding to be used solely for purchase of land, not leasing of land nor purchase nor lease of development rights.)
5. Provide for enhanced notification in the public report. The notification requirements should run with the land and a map should be required to be placed in every model home and realty office within the Vicinity of a Military Airport.

In addition to the recommendations ratified by the Chief Elected officials advisory group, Mayor Scruggs made mention of a City of Tucson Recommendation that had not made it in-time to the advisory group discussion. It is listed here:

“That the departure paddle be defined statewide to include an area extending 30,000 feet from the end of the runway in which zoning would preclude housing, hospitals, churches, schools and any high population density development, or special uses, inconsistent with active military flight operations. Beyond the 30,000 foot boundary, special attention and zoning considerations would be put in place to protect principle departure tracks to a distance of 50,000 feet.”

In closing, Mayor Scruggs indicated this advisory could be receptive to a recommendation from the Governor for a follow-on study to this effort that would incorporate the Mayors and elected officials.

(See special note below to request a copy of presentation slides)

COMMENTS/RECOMMENDATIONS FROM THE ARIZONA LANDOWNERS GROUP COALITION – PRISCILLA STORM, DIAMOND VENTURES

Ms. Priscilla Storm from Diamond Ventures in Tucson asked Susan Charlton from Gallagher & Kennedy representing all the landowners in Arizona to run through the presentation of their recommendations to address the issues surrounding the long-term preservation of Arizona’s military facilities. The Arizona landowners group developed these recommendations via teleconference during a meeting held on September 29th. Ms. Charlton began the presentation by providing the landowners comments about the preliminary draft recommendations presented at the September 9th taskforce meeting.

1) Provide the same protection to all ranges, Auxiliary fields and mixed use facilities which currently apply to military airports

- - TABLED, the private sector needs more information as to whether this is a confirmation of existing protections, or a significant expansion of restricted lands and air space. Also, there is a question as to whether this refers to auxiliary fields, mixed-use facilities, helicopter and UAV operations. Could support, as long as protections do not go beyond current state statutory protections and Department of Defense guidelines.

2) Expand the definition of military airports to include helicopter and UAV operations

- - OPPOSE: Appropriate protections for helicopters and UAV operations are or may be uniquely different from those appropriate for military air bases.

3) Adopt AICUZ zoning which will accommodate growth potential around military installations.

- - TABLED, the private sector needs more clarification on what is meant by this recommendation. There was much speculation and discussion on what was meant by

“zoning”, when used in combination with Air Installation Compatibility Use Zone (AICUZ).

4) Define acreages affected by departure corridors, APZs and high noise areas in sufficient detail for land use determination

- - SUPPORT, in addition to being necessary for land use determination, defining acreage is necessary to determine the cost of compensating affected landowners.

5) Clarify what kind of development is allowed within the high noise and accident potential zones

- - COMMENT: Current state statute provides sufficient guidelines for compatible land uses in these areas. Consider establishing interior noise standards to expand allowed uses in high noise zones.

6) Establish pre-action approval procedures for land use within the areas affected by military facilities

- - OPPOSE: “Areas affected by military facilities” is entirely too broad of a term. Zoning approvals are best handled at the local jurisdictional level.

7) Establish mechanisms to A) exchange land, B) buy land, C) lease land or D) enforce compatible land use around military airports

- - SUPPORT A-C. In addition to identifying mechanisms, more detail on implementation steps for identified mechanisms, with timelines should be developed.

- - D. Comment: We believe sufficient mechanisms already exist to enforce compatible land use around military airports.

8) Strengthen notification in vicinity box and establish enforcement mechanisms.

- - SUPPORT: We support increased notification and enhancement of enforcement mechanisms for such notification

9) Request the City/County General and Comprehensive plans provide for protection of military missions

- - COMMENT: Current Growing Smarter Plus required elements for comprehensive and general plans with a provision for review by military bases is sufficient. The open space, growth, safety, economic development components of these plans already provide sufficient opportunity for City and County Plans to protect military air bases. We encourage cities/counties to include, in their general and comprehensive plans, protections for military facilities, as well as assurances of compensation for affected property owners.

10) Request State develop a presence in Washington D.C. to help market the importance/capabilities of each of Arizona’s installations as a unique network of multi-service bases - - SUPPORT.

11) Request clarification of the language in the Biological Opinion determining Fort Huachuca's responsibility for off-base water usage

- - SUPPORT. However, we do not believe that this is a statewide concern.

12) Develop legislation to assist efforts to bring water to the Sierra Vista area to deal with growth

- - SUPPORT. However, we do not believe that this is a statewide concern.

13) Support Arizona Depart. of Environmental Quality efforts at establishing Best Management Practices for the Yuma area (PM10)

- - SUPPORT. However, we do not believe that this is a statewide concern.

14) Monitor designation concerning Tucson and PM10

- - SUPPORT. However, we do not believe that this is a statewide concern.

15) Monitor 8-hour ozone development (NO2 Waiver)

- - SUPPORT. Unclear whether this recommendation is focused on a particular region of the state or is a statewide concern.

16) Monitor Endangered Species Act litigation

- - SUPPORT.

17) Support efforts to review Endangered Species Act and the BMGR

- - SUPPORT.

18) Noise Attenuation measures should be required for all construction inside of noise contours around all AZ military facilities.

-- SUPPORT. As long as noise contours are based on current missions of the base and not on theoretical or hypothetical noise contours of potential future missions.

19) Enforcement of existing state statutes at Luke AFB and establishment of protection for all A) training and testing ranges, B) training airspaces and C) military training routes (MTRs)

- - TABLED, the private sector needs more information as to whether this is a confirmation of existing protections, or a significant expansion of restricted lands and air space. Also, there is a question as to whether this refers to auxiliary fields, mixed-use facilities, helicopter and UAV operations. Could support, as long as protections do not go beyond current state statutory protections and Department of Defense guidelines.

20) Continued and expanded involvement at all levels: landowners, political subdivisions, Luke AFB

- - SUPPORT. Continued and expanded involvement should be statewide and not limited to Maricopa County, Phoenix Metroplex and Luke AFB.

21) A public education program should be implemented by government, businesses, and other interested parties to inform legislative leaders and the public regarding the importance of military facilities in AZ

- - SUPPORT.

22) Statewide and local (city and county) should be authorized by legislation through a property or sales tax (ex. one-third of one cent for 10 yrs) to finance land acquisition and development rights, infrastructure, guarantee water supplies, and other improvements that retain and expand AZ's military facilities. Give voters a choice in 2004.

- - SUPPORT: This recommendation might be best separated into two recommendations, one for property tax and one for sales tax. Support is based on this being authorized by a public vote of Arizona residents.

Then she presented the landowner's list of recommendations:

1) Terms such as "military facilities", "military installations" and "military air base" should be used with more precision. "Military installation" or "military facilities" are much broader and should not be used when referring to protections currently afforded "military air bases".

1) No additional regulation, restricting uses should be adopted by the state, county or city, without the regulation containing a provision, which identifies guaranteed funding sources and establishes a procedure for evaluating and compensating property owners for loss of value.

2) All land use decisions should be based on current mission of the base, and not on hypothetical missions

3) State law regarding military airport preservation should preempt policies or regulations adopted by jurisdictions. If a local jurisdiction adopts a policy or regulation that is more restrictive than the state policy, the local jurisdiction should be required to compensate property owners for loss of value.

4) Jurisdictions, including military air bases, should be required to give notice to affect property owners when considering any land use plan, policy or regulation impacting land use in the vicinity of a military facility. Individual first class mail notice and a copy of the draft regulation should be sent to all affected property owners, residents and schools in the affected areas, in sufficient time to allow participation in the policy review and adoption process. Any committee formed to develop land use policy and regulation should include representatives from the impacted private owners. In addition, notices should be published in a newspaper of general circulation.

5) Arizona Revised Statute 28-8481 should be amended to clarify that the "grandfathering" protections afforded by the current statute are available to any development project or plan that received legislative approval by an appointed or elected body of a jurisdiction, for comprehensive plan amendment, vested zoning, platting, etc. and specifically those covered by a Planned Area development

agreement that has been submitted to and approved by the governing body of a political subdivision on or before December 31, 2000.

- 6) "High noise" zones should be treated differently from "accident potential zones." A particular land use may be appropriate for a "high noise" zone but not an "accident potential zone."
- 7) Terms such as "military facilities", "military installations" and "military air base" should be used with more precision. "Military installation" or "military facilities" are much broader and should not be used when referring to protections currently afforded "military air bases".
- 8) The State should adopt to the extent possible a voluntary "density transfer" program and direct communities to designate "economically viable" receiving properties as communities update their general plans/comprehensive plans to allow local input on the "receiving properties".
- 9) Graduated density concepts for residential and on-residential uses should be prohibited from local jurisdiction implementation outside the current mission's 65 ldn.
- 10) State law should prohibit military airport zoning or land use restrictions beyond 30,000 feet.
- 11) Military Base opinion letters on proposed land uses that are written at the request of a jurisdiction or private property owner should be timely, and consistent with current Department of Defense guidelines and Arizona State Statutes.
- 12) If a development project is submitted to a military base for comment and approval, if no comment is received within 30 days, the project is deemed approved.
- 13) Encourage all military bases to hire a civilian official to deal with land use issues.
- 14) In recognition of the significance of the BMGR and Arizona's military airports to our Nation's defense, encourage the Governor's office, the Arizona State Legislature, and Arizona's Congressional delegation to seek additional federal funds to compensate landowners within the 65 LDN and the accident potential zone for their lost development rights. Rationale: The money should be used for leasing or purchasing the development rights. Development rights should be calculated based on property's highest and best use and should assume the noise contours and related statutory restrictions adopted due to a military airport's presence do not exist.
- 15) Encourage the Governor and the Arizona Legislature to adopt a prescriptive Concurrent Memorial Resolution defining how appropriated federal funds should be spent for the preservation of military facilities in Arizona. Rationale: The resolution would recognize the strategic significance of Arizona military facilities in relation to the BMGR, the importance of these bases to Arizona's economy, the collective national security interest in preserving these unique bases, and the formula for compensating private landowners whose property value has been diminished by base preservation efforts. Said resolution should be passed by this next session of the Arizona Legislature to give Arizona's congressional delegation specific guidelines and amounts necessary to preserve these national defense assets.

- 16) Absent Congressional and State Legislative efforts to appropriate sufficient federal funds for base preservation the Commission should recommend a method to provide voters of Arizona an opportunity to tax themselves to preserve these national assets and to set a timetable for such a public vote in Arizona.
- 17) In further recognition of the additional state and local benefits from the presence of the BMGR, and Arizona's military airports, encourage the State and local governments to provide funds for the leasing of lost development rights within the 65 LDN and the accident potential zones of military airports.

Following this presentation, Ms. Charleston with the assistance of Priscilla Storm and Wendy Briggs from Steptoe and Johnson received several questions from the taskforce. When questioned about their recommendations which support making land use decisions based upon existing noise contours, not theoretical ones to that could accommodate a potential mission change around DM, they conceded that this discussion really involves two separate issues: 1) To determine which airframe to base the noise contours on (i.e. A-10, F-16 or a F-15) and 2) To determine allowable land use within any given line. Ms Storm also agreed that the landowners would accept any particular land use that was agreeable to them, no matter what the noise contour lines were. When questioned about their recommendations that state law should overrule the jurisdiction of the local governments to be more restrictive, Ms. Storm clarified their position by saying that if the local jurisdictions wanted to be restrictive than state law allowed, then they (the local jurisdictions) should also take the responsibility at that point to compensate the landowners because of their restricted use policy. In the end, Wendy Briggs concluded their remarks by emphasizing that the Arizona landowners would be happy and supportive of additional property rights restrictions as long as there was compensation to the landowners tied to it.

(See special note below to request a copy of presentation slides)

RESPONSE TO OPEN ACTION ITEMS

Action items that had been developed during previous taskforce meetings were reviewed during this portion of the taskforce meeting.

Steve Thu addressed the action item to “forward information about the National Guard and Reserves units around the State including operations at Marana, Tucson International, Phoenix Sky Harbor, Camp Navajo, Papago Park and Florence Artillery Range”. He provided a brief presentation on the structure of the Arizona National Guard and the missions of its units in Arizona. (See special note below to request a copy of presentation slides)

Patty Boland addressed the action item to determine the legality of the Chief Elected Official Advisory group recommendation to restrict the sale of state land to those compatible use that preserve the mission viability of Arizona's military bases. Ms. Boland explained that since the State trust land is held entrust for the beneficiaries and the beneficiaries are supposed to be compensated for land, it is legally permissible at this

time to require that they remain in some sort of agriculture preservation status. To the extent that someone wants to make a recommendation that would make this possible, the recommendation would be to amend the constitution and the State's enabling act to allow some sort of conservation to be imposed on these lands.

Gil Jimenez addressed the action item to determine what kind of marketing materials that the Arizona Dept of Commerce (ADOC) and Economic Development community could develop to highlight the direct economic benefit of the military industry for economic developers to use as a selling tool about Arizona. Mr. Jimenez explained that ADOC is actively working with the representatives in the Economic Development community from throughout the State to start looking at the military industry as a separate economic cluster. This is an on-going effort where partnerships will be explored with the groups in the private sector and even, the Arizona Department of Transportation and their aeronautics department.

REVIEW AND DISCUSSION OF PRELIMINARY DRAFT RECOMMENDATIONS - TOM BROWNING

Based on the topical areas below, Co-chair Tom Browning led a discussion that reviewed the preliminary draft recommendations presented at the September 9th taskforce meeting and recommendations forwarded to the taskforce since that time.

Topical Areas Of Concern

- Developing Protections for all of Arizona's Military Facilities
- Addressing Compatible Land Use and Development around military installations
- Land Compensation Mechanisms
- Environmental
- Addressing Federal Legislation
- Education/Marketing Campaign

From this discussion and review, this is the list that was generated of the revised preliminary draft recommendations as well as their assignments to the specific taskforce members.

DEVELOPING PROTECTIONS FOR MILITARY INSTALLATIONS

- 1) Provide the same protection to all auxiliary fields and mixed use facilities which currently apply to military airports
- 2) Expand the definition of military airports to include helicopter and UAV operations
- 19) Establishment of protection for all A) training and testing ranges, B) training airspaces and C) military training routes (MTRs)

ADDRESSING COMPATIBLE LAND USE AND DEVELOPMENT

- 3) Adopt AICUZ zoning which will accommodate growth potential around military installations
- 4) Define acreages affected by departure corridors, APZs and high noise areas in sufficient detail for land use determination
- 5) Clarify what kind of development is allowed within the high noise and accident potential zones
- 6) Establish pre-action approval procedures for land use within the areas affected by military facilities
- 8) Strengthen notification in vicinity box and establish enforcement mechanisms
- 9) Request the City/County General and Comprehensive plans provide for protection of military missions

LAND COMPENSATION MECHANISMS

Establish mechanisms to:

- 7A) Exchange land
 - Establish enabling legislation BLM - Private Land Exchanges and BLM Sale & Purchase
- 7B) Buy land through State Appropriations from General Fund, seek out Private Investors or Federal Funds
- 7C) Lease land
 - West Valley Community Action Coalition requested the lease of development rights
- 7D) Enforce compatible land use around military airports
- 22) Statewide local officials (city and county) should be authorized by legislation through a property or sales tax (ex. one-third of one cent for 10 yrs) to finance land acquisition and development rights, infrastructure...Give voters a choice in 2004.

ENVIRONMENTAL CONCERNS

- 12) Develop legislation to assist efforts to bring water to the Sierra Vista area to deal with growth

13) Support AZ Dept of Environmental Quality efforts at establishing Best Management Practices for the Yuma area (PM10)

14) Monitor designation concerning Tucson and PM10

15) Monitor 8-hour ozone development (NO2 Waiver)

16) Monitor Endangered Species Act litigation

17) Support efforts to review Endangered Species Act and the BMGR

EDUCATION/MARKETING CAMPAIGN

10) Request State develop a presence in Washington D.C. to help market the importance/capabilities of each of Arizona's installations as a unique network of multi-service bases

20) Continued and expanded involvement at all levels: landowners, political subdivisions, Luke AFB

21) A public education program should be implemented by government, businesses, and other interested parties to inform legislative leaders and the public regarding the importance of military facilities in AZ

ADDRESSING FEDERAL LEGISLATION

11) Request clarification of the language in the Biological Opinion determining Fort Huachuca's responsibility for off-base water usage

MISCELLANEOUS

- Elected Officials #1: Provide a Governor's Liaison to coordinate the acquisition of Department of Defense lands with the conservation easements by USDA – 2002 Farm Bill.

18) Noise Attenuation measures should be required for all construction inside of noise contours around all AZ military facilities (Withdrawn)

At the conclusion of this portion of the meeting, Co-Chair Johnston asked taskforce members as well as interested groups in the audience to review these recommendations and re-work them as needed to provide the verbiage to give them a statewide perspective.

(See special note below to request a copy of presentation slides)

CALL TO THE PUBLIC

Co-Chair Bob Johnston made a call to the public. There were no speakers during the public comment period.

Since there was no further business, the meeting was adjourned at 2pm.

NEXT MEETING:

The next Governor's Military Facilities Taskforce meeting is scheduled for Thursday, October 30th, from 9:30am to 1pm at the Central Arizona College (Room I211), 8470 N. Overfield Road, Coolidge, AZ 85228.

Special Note: Electronic copies of the presentations or any other materials noted above are available on request. Please contact Dion Flynn at (602) 542-7007 or send an email to dflynn@az.gov.

For additional information about the Governor's Military Facilities Taskforce, checkout our web page at <http://www.governor.state.az.us/mft/index.html>